

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
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OFFICER: Christopher Kearney
TAX NUMBER: 943429

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Police Department has deemed substantiated an allegation(s) that while assigned to the 114th Precinct Queens Gang Squad, on or about June 1, 2013 and through August 31, 2013, while on duty (1) Christopher Kearny did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department to wit: he used a Department battering ram in the execution of a practical joke; and (2) he did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department to wit: as result of a practical joke he conducted, he caused damage to a bathroom door located inside of a Department facility. He pleaded guilty to these allegations.
2. The New York City Police Department has deemed substantiated allegations that while assigned to the Queens Gang Squad, (1) on or about December 18, 2013, May 23, 2014, and May 23, 2014, Christopher Kearny did engage in conduct prejudicial to the good order and efficiency of the Department, to wit: he used his personal video camera to record the execution of four (4) search warrants and did not have the permission or authority of the Department to do so; and (2).on or about March 1, 2013 and through June 11, 2014, did engage in conduct prejudicial to the good order and efficiency of the Department, to wit: he failed to disclose and provide a copy of the video recordings he made of the execution of search warrants to the Office of the District Attorney. He pleaded guilty to these allegations.
3. The New York City Civilian Complaint Review Board (CCRB) deemed substantiated an allegation that, on or about November 16, 2013, Christopher Kearney "abused his authority" when he frisked a person without sufficient legal authority and noted the following misconduct: that he did not complete any Stop, Question or Frisk Report for the stopping and frisking of a person on November 16, 2013.

On November 16, 2013, at approximately 6:00 PM in Queens County Christopher Kearney along with two other officers made a car stop after they said they observed a motorist make a left turn without signaling and blocking an intersection. Christopher Kearney approached the passenger side of the car where he stated that he observed the front passenger reaching under the seat. He stated that he told the passenger to take his hands out from under the seat several times, and when he did not comply, he opened the door and removed him from the car. Christopher Kearney stated that he frisked the waist area of the passenger because he feared that he might have a weapon and feared for his safety.

The driver and passengers of the car disputed the officer's accounts. Specifically, they denied that there had been a traffic infraction. They denied that the passenger had his hands under the seat and stated that he was using his cellular phone. They denied that the passenger had refused

to comply with the officer's orders. Rather, he stated that Christopher Kearney unexpectedly opened the door, punched him, and tried to forcibly remove him from the car. The passenger claimed that he complied with the officer's direction to exit the car and that Christopher Kearney searched each of his pockets, and frisked him from the neck to his knees. He further claimed that he searched and frisked him two more times.

There is ambiguity about what allegations were substantiated. The investigator's report recommended that the allegations against Christopher Kearney including that of an improper frisk should be found unsubstantiated. It did note other misconduct of failing to prepare a stop and frisk report. Although Christopher Kearney claimed that he did prepare a stop and frisk report, the Stop, Question, and Frisk Index Cover Sheet in the precinct contained no entries relating to the incident. The CCRB allegation history, however, indicates both a substantiated allegation for "abuse of authority" for a frisk "without sufficient legal authority" and "Other Misconduct" for failure to prepare a stop and frisk report. In addition, the Charges and Specifications that resulted in the substantiated allegation described in paragraph 4, clearly appears to have been initiated by the CCRB investigation.

4. The New York City Police Department (NYPD) has deemed substantiated an allegation that on or about November 16, 2013, the officer abused his authority as a member of the New York City Police Department in that he frisked a person without sufficient legal authority. The officer pleaded guilty.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: October 18, 2020